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June 7, 2016

Clerk, United States Court of Appeals
1100 E. Main St., Ste. 501
Richmond VA 23219

Re: Lovegrove v. Ocwen Loan Servicing, LLC
Case No. 15-2158

Dear Madam:

Appellant Thomas W. Lovegrove submits this letter pursuant to Federal Rule of Appellate Procedure 28(j) and Local Rule 28(e), and requests that the Court consider the Eleventh Circuit's decision in Johnson v. Midland Funding, LLC, Case No. 15-11240 (11th Cir. May 24, 2016) as a supplement to the authorities cited at page 7, note 1, and page 12 of the Brief of Appellant.

The Brief of Appellant indicated that the Eleventh Circuit had deferred ruling on the explicit question of whether the Bankruptcy Code "preempts" (in the Eleventh Circuit's words), or implicitly repealed, the Fair Debt Collection Practices Act (FDCPA). In Johnson v. Midland Funding, LLC, the Eleventh Circuit ruled that there is no irreconcilable dispute between the Bankruptcy Code and the FDCPA and that the Bankruptcy Code did not implicitly repeal the FDCPA. The Court reversed the district court, which held that there was an irreconcilable conflict between the statutes and that the Bankruptcy Code implicitly repealed the FDCPA.

The Eleventh Circuit has now joined the Second, Third, and Seventh Circuit, which have all held that the statutes do not conflict. Only the Ninth Circuit has held that there is an irreconcilable conflict.

This is precisely the issue before this Court in this case. The district court held that there was an irreconcilable

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conflict between the statutes and that the Bankruptcy Code implicitly repealed the FDCPA, and dismissed Lovegrove's FDCPA claim. Lovegrove's case presents this issue to this Court as an issue of first impression.

On April 20, 2016, this Court held in abeyance Brown v. McCabe, Case No. 16-1202, pending the Court's resolution of Lovegrove's case.

This Court should reverse the district court decision in this case, and join the majority of circuits that have held that there is no irreconcilable conflict between the Bankruptcy Code and the FDCPA.

Sincerely,



Gary M. Bowman

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